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No. 55

House of Representatives

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mrs. BIGGERT).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,

May 8, 2000.

I hereby appoint the Honorable JUDY BIGGERT to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,

Speaker of the House of Representatives.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed bills and concurrent resolutions of the following titles in which concurrence of the House is requested:

S. 1452. An act to modernize the requirements under the National Manufactured Housing Construction and Safety Standards Act of 1974 and to establish a balanced consensus process for the development, revision, and interpretation of Federal construction and safety standards for manufactured homes.

S. 2370. An act to designate the Federal building located at 500 Pearl Street in New York City, New York, as the "Daniel Patrick Moynihan United States Courthouse".

S. Con. Res. 103. Concurrent resolution honoring the members of the Armed Forces and Federal civilian employees who served the Nation during the Vietnam era and the families of those individuals who lost their lives or remain unaccounted for or were injured during that era in Southeast Asia or elsewhere in the world in defense of United States national security interests.

S. Con. Res. 108. Concurrent resolution designating the week beginning on April 30, 2000, and ending on May 6, 2000, as "National Charter Schools Week".

S. Con. Res. 109. Concurrent resolution expressing the sense of Congress regarding the ongoing persecution of 13 members of Iran's Jewish community.

MORNING HOUR DEBATES

The SPEAKER pro tempore (Mrs. BIGGERT). Pursuant to the order of the House of January 19, 1999, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Florida (Mr. STEARNS) for 5 minutes.

QUESTIONING THE DEPARTMENT OF JUSTICE ON ELIAN'S ABDUCTION

Mr. STEARNS. Madam Speaker, I come to the House floor to not talk about the debate whether Elian should be reunited with his father or not. I think the majority of Americans say he should. What I am here to talk about is the constitutionality of what was done by the Justice Department, and to pose some questions and urge our leadership on this side to hold hearings.

Regrettably, the American people, the Miami relatives of Elian Gonzalez and the Congress still do not have all of the answers which led up to the events that transpired on that Easter recess by the Justice Department and the Immigration and Naturalization Service.

Madam Speaker, of course, the world has seen that famous photograph by now of an INS SWAT officer pointing an assault rifle at Elian, that assault rifle was a Heckler & Koch MP5 sub-machine gun.

The Attorney General during Easter weekend, ordered armed forces into the house of Mr. Lazaro Gonzalez in order to free Elian and reunite him with his father.

What the world, Americans and Congress do not know are the events that led up to activities that transpired during and after the government's raid on a private citizen's home, just as the Congress did in the case of the Waco and Ruby Ridge. I think it is the responsibility of this legislative branch to seek the truth and have government justify its actions in instances in which the sacred constitutional liberties of Americans have been jeopardized.

Madam Speaker, I submit this afternoon that there are many questions that still need to be answered, and we are not here to debate whether Elian should be reunited with his father. Those are answers that ultimately will be left up to the courts.

While the court struggles with the issue of immigration and family law, the Congress has the duty and responsibility to seek answers to the policies of the Justice Department that led up to the heavily armed Federal agents breaking into the house of peaceful American citizens, with agents pointing machine guns at American citizens in their own home and trashing their own home, too.

Just as important, oversight is needed to determine whether the judicial process was circumvented by the administration. Reports indicate that the nature by which the search warrants were issued were made under false pretenses. How many different judges did the administration go to before having the search warrant accepted? Did any of the judges refuse to issue a search warrant, and if so, on what grounds?

During the early days of Elian's arrival in the United States, the Justice Department and the INS were quick to point out that asylum and custody questions could only be answered in the courts.

What is the policy of the Department of Justice and INS when State courts do not agree with Federal agencies? Does the Attorney General have the

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Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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power to overrule the decisions of State courts such as ones which decide custody measures?

In addition, Madam Speaker, why was the Justice Department not willing to await the outcome of Elian's claim for asylum before the 11th U.S. Circuit Court of Appeals? What does that say about how much weight the administration gives to our judicial branch of the government?

How will the Attorney General justify her actions if the 11th Circuit decides Elian's asylum claims are true in manners which contradict the Department's actions?

What constitutional authority does the Federal Government have in executing search warrants in cases that are not criminal? In how many other cases has the INS broken down doors and used armed agents in custody cases?

Additionally, why did the Attorney General feel compelled or pressured to use overwhelming armed force when Elian's life was not in danger?

The negotiations were still taking place at the time the INS broke down the door and trashed the Gonzalez house. Should it be the policy of the INS to present the possibilities of deadly force when confronting situations which are not criminal? Additionally, Gregory Craig, the attorney for Juan Miguel, also happened to be the attorney for the President during the impeachment trials.

Elian's Miami relatives and the American people have a right to know what role Gregory Craig played during the shaping of the Department's actions. Furthermore, what contact did the administration have with the Communist dictator Fidel Castro?

Was the President influenced by another Cuban boat lift? These are some of the questions I have, Madam Speaker. I call on Congress to hold hearings because the people across this Nation have a right to know. As Americans, we have inalienable rights to certain freedoms and protections. When government officials threaten or encroach on those rights, it is our duty to hold them responsible.

LIVABLE COMMUNITIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BLUMENAUER) is recognized for 5 minutes.

Mr. BLUMENAUER. Madam Speaker, focusing on livable communities is an opportunity for the major Presidential candidates to give citizens relief from the standard political fare by embracing a positive message: how to make our families safe, healthy, and economically secure.

One of the reasons this message has such potential for elevating the political discussion is because this is truly a national movement that is being driven at the grassroots level.

Every year it seems more State and local ballot initiatives are passed pro-

tecting open space, giving more transportation choices to our communities and controlling unplanned growth. One grassroots effort was dealt with this morning in the Washington Post describing the efforts to protect the Chesapeake Bay, one of our Nation's most cherished waterway and, sadly, Governor Gilmore of Virginia's reluctance for Virginia to provide true leadership.

For 15 years, citizens and communities across a six-State area and Federal partners and private citizens are developing solutions not necessarily to eliminate sprawl in this Chesapeake Bay watershed, but to cut it by one-third by the year 2012. The political leadership in Virginia, however, has been slow to respond and only recently provided its support for a new agreement, assuming that Virginians care less about the environment and protecting the Bay than their neighbors in the surrounding States. I think that is a sad commentary and a misreading of the citizens of Virginia.

In sharp contrast, one of the most exciting stories of regional cooperation and addressing unplanned growth is unfolding now in the Speaker's home State of Illinois. Metropolitan Chicago has a long tradition of being a leader in the heartland; its importance as a national transportation hub with the transcontinental railroads, so it is today with O'Hare Airport, the busiest in the Nation; and the important role that Chicago has played in the City Beautiful Movement at the turn of the century with the magnificent Burnham plan, one of the most influential city plans in world history, illustrating the power of planning for growth in a fashion that balanced downtown interests with open space and access to that city's majestic waterfront.

Chicago was unfortunately a leader in the consequence of unplanned growth. From 1970 to 1990, when metropolitan Chicago increased only 4 percent in population, it increased 46 percent in the urbanized area, 10 times faster than the rate of population increase and, clearly, a development pattern that is not sustainable. It has resulted in Chicago having the second longest average commute in the country, with 11 percent of its commuters traveling an hour or more each way each day.

But in keeping with the tradition of leadership, Chicago is now providing important direction on livability. I have had a chance to review the Metropolitan 2020 plan, a visionary document preparing metropolitan Chicago for the 21st century. It recalls the history and provides a vision for the future. This fascinating study is one of the best that I have seen, providing a framework for developing a regional vision of growth over the next 20 years while it recognizes the realities and challenges facing the region. It addresses the reality of the present system's inability to pave its way out of traffic congestion; the importance of the pro-

ductivity of the region's growing minority population, which will supply the majority of its future work force; the need on focusing the entire region's pool of talent to meet the specialized needs of a growing economy; and, most important, the symbiotic relationship between the suburbanites, who actually earn twice as much from their income from downtown as Chicagoans earn from suburban areas, \$14 billion versus \$21 billion.

With over 1300 units of local government and almost 70 percent of the State's population living in the metropolitan Chicago area, the Metropolitan 2020 effort is a powerful example of the potential for business and civic leaders, community leadership, and the planning profession to come together to develop solutions to guide governmental investments. I strongly urge my colleagues to join me today at 2 p.m. in SC-10 of the Capitol for a joint briefing of the Senate's Smart Growth Task Force and the Livable Communities Task Force, hearing from a group from Chicago who will give a comprehensive overview of their initiatives. They will also focus on the important role of the Federal Government in assisting the regional effort to create more livable communities.

Chicago is as good a model as we will find in an area of the country that a lot of us spend a lot of time in. It is a solution to make our communities more livable and our families safe, healthy and more economically secure.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2 p.m.

Accordingly (at 12 o'clock and 43 minutes p.m.), the House stood in recess until 2 p.m.

1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PEASE) at 2 p.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Blessed be the God and Father of us all, Who in great mercy has given us a new birth and made us a living hope for the world.

As a nation, we have inherited great natural resources and unending principles to guide our destiny. By Your power, O God, You have safeguarded faith in Your people. You have made us ready to reveal in our time Your creativity and goodness active in us, but for the common good of all.

We rejoice in Your blessings upon this Congress and the people they represent. Even during times of various trials and moments of suffering, our gaze is fixed on You, as the source of all goodness and foundation of peace.